

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jeffrey P. Hansen,
Plaintiff

vs

Case No. 1:03-cv-676-SAS-TSH
(Spiegel, Sr. J.; Hogan, M. J.)

Union Central Life Insurance
Company,
Defendant

ORDER

This matter is before the Court on pro se plaintiff Hansen's motion for reconsideration (doc. 32) and defendant's memorandum in opposition. (Doc. 34). Plaintiff moves the Court to reconsider its March 4, 2005 Order denying plaintiff's motion to strike defendant's reply memorandum in support of defendant's summary judgment motion. (See Docs. 26, 27, 28, 30).

Because the Federal Rules of Civil Procedure do not provide for a motion for reconsideration, such motions, if served within 10 days of the entry of judgment, are considered motions to alter or amend judgments pursuant to Fed.R.Civ.P. 59(e). *Huff v. Metropolitan Life Insurance Co.*, 675 F.2d 119, 122 (6th Cir.1982); see also *Foman v. Davis*, 371 U.S. 178, 181 (1962) (permissible to treat motion to vacate dismissal as a motion to alter or amend under Fed.R.Civ.P. 59(e)). Plaintiff's motion for reconsideration was filed on March 23, 2005. Because this motion was not filed within the requisite ten day period, the Court declines to reconsider its prior ruling pursuant to Fed. R. Civ. P. 59(e). Moreover, even if the Court were to reconsider its prior ruling, it would decline to exercise its discretion to reverse its decision to deny plaintiff's motion to strike. See Fed. R. Civ. P. 5(b)(2) & 6(e); *Huff v. Metropolitan Life Ins. Co.*, 675 F.2d 119, 121 (6th Cir. 1982); *Columbia Gas Transmission Corp.*

v. Limited Corp., 951 F.2d 110, 112 (6th Cir. 1991); *Keweenaw Bay Indian Community v. United States*, 940 F. Supp. 1139, 1140-41 (W.D. Mich. 1996)(decision to alter or amend judgment within court's discretion).

Plaintiff's motion for reconsideration (Doc. 32) is Denied.

s/Timothy S. Hogan

Timothy S. Hogan

United States Magistrate Judge